

Message Text

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ORIGIN OES-06

INFO OCT-01 ARA-06 EUR-12 EA-07 NEA-10 ISO-00 L-03 COME-00
CG-00 DOTE-00 SIG-01 PM-04 DODE-00 NSF-01 /051 R

DRAFTED BY OES/OFA/MST:WLSULLIVAN:MJB
APPROVED BY OES/OFA - AMB. ROZANNE L. RIDGWAY
OES/OFA/FA - MR. ZUCCA (DRAFT)
L/OES - MR. LEITZELL (DRAFT)
COMM/NOAA - MR. WALLACE (SUB)
ARA/MEX - MR. FALK (DRAFT)
EA/EP - MS. HENDERSON (DRAFT)
EUR/RPE - MR. SALISBURY (DRAFT)
USCG - CDR. BLANTON (DRAFT)

-----260940 056380 /22

R 252159Z FEB 77
FM SECSTATE WASHDC
TO AMEMBASSY BERLIN
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMEMBASSY BUCHAREST
AMEMBASSY COPENHAGEN
AMEMBASSY DUBLIN
AMEMBASSY LISBON
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY MADRID
AMEMBASSY MEXICO
AMEMBASSY MOSCOW
AMEMBASSY OTTAWA
AMEMBASSY PARIS
AMEMBASSY ROME
AMEMBASSY SEOUL
AMEMBASSY SOFIA
AMEMBASSY TAIPEI
AMEMBASSY TOKYO
AMEMBASSY WARSAW
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USMISSION EC BRUSSELS
NMFS WASHDC
INFO ALL DIPLOMATIC POSTS
AMCONSUL CASABLANCA
AMCONSUL LENINGRAD
COMDT COGUARD WASHDC

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E.O. 11652: N/A

TAGS: OCLR, TPHY, EFIS, PLOS

SUBJECT: SCIENTIFIC RESEARCH IN THE FISHERY CONSERVATION
ZONE

REF: A. STATE 90067 APR 76 NOTAL; B. STATE 260653 OCT 76;
C. MOSCOW 1372 NOTAL; D. STATE 3095 NOTAL

BRUSSELS FOR USEC AND EMB

1. FISHERY CONSERVATION AND MANAGEMENT ACT (FCMA) OF
1976 SPECIFICALLY EXCLUDED JURISDICTION OVER SCIENTIFIC
RESEARCH WITHIN THE U.S. 200 MILE FISHERIES ZONE
ESTABLISHED BY THAT ACT. GOVERNING INTERNATIONAL FISH-
ERIES AGREEMENTS (GIFA) NEGOTIATED PURSUANT TO FCMA LOOK
TO ENCOURAGE SCIENTIFIC COOPERATION BETWEEN U.S. AND
OTHER PARTIES. ACCORDINGLY, USG WISHES TO CONVEY FOL-
LOWING INFORMATION TO GIFA SIGNATORIES AND OTHERS.
SPECIFIC INSTRUCTIONS FOR EMBASSIES PROVIDED PARAS 4
THROUGH 10.

2. QUOTE: SCIENTIFIC RESEARCH, INCLUDING FISHERIES
RESEARCH, IS SPECIFICALLY EXCLUDED FROM THE TERM "FISHING"
IN SECTION 3(10) OF THE FISHERY CONSERVATION AND MANAGE-
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MENT ACT OF 1976. IT SHOULD BE NOTED, HOWEVER, THAT THE

FOLLOWING SPECIFIC ACTIVITIES ARE CONSIDERED TO BE
FISHING WITHIN THE MEANING OF THE ACT, AND THEREFORE
REQUIRE A PERMIT ISSUED IN ACCORDANCE WITH SECTION 204:

-----ANY ACTIVITY INVOLVING THE CATCHING, TAKING OR
-----HARVESTING OF FISH IN COMMERCIAL QUANTITIES, OR THE
-----USE OF GEAR CAPABLE OF CATCHING, TAKING, OR HAR-
-----VESTING FISH IN COMMERCIAL QUANTITIES, INCLUDING:

-----1) THE CONDUCTING OF TESTS OF FISHING GEAR; OR

-----2) FISHING CARRIED OUT FOR THE PURPOSE OF
----- TRAINING FISHERMEN.

FISHERIES RESEARCH WHICH ASSISTS IN THE CONSERVATION
AND MANAGEMENT OF THE STOCKS, AND THE IDENTIFICATION OF
THE FISHERY RESOURCES OF THE FISHERIES CONSERVATION ZONE

IS ENCOURAGED. WITH THIS IN MIND, THE SPECIFIC ACTIVITIES OUTLINED ABOVE, WHEN UNDERTAKEN IN FULL COOPERATION WITH THE UNITED STATES, SHALL NOT BE DEEMED TO BE FISHING WITHIN THE MEANING OF THE ACT. UNQUOTE.

3. IT IS EXPECTED THAT MOST IF NOT ALL FISHERIES RESEARCH CARRIED OUT IN U.S. ZONE WILL BE CONDUCTED IN FULL COOPERATION WITH NATIONAL MARINE FISHERIES SERVICE (NMFS), INCLUDING RESEARCH INVOLVING THE SPECIFIC ACTIVITIES OUTLINED ABOVE. SUCH COOPERATION WITH NMFS IS SUFFICIENT FOR MEETING CRITERIA ABOVE, AND NMFS WILL INFORM APPROPRIATE U.S. AUTHORITIES WHEN COOPERATIVE PROJECTS INVOLVING THE SPECIFIC ACTIVITIES OUTLINED ABOVE ARE CONDUCTED WITHOUT A PERMIT. IF FOREIGN RESEARCHERS WISH TO CONDUCT COOPERATIVE PROJECTS INVOLVING SPECIFIC ACTIVITIES OUTLINED ABOVE WITH OTHER U.S. ENTITIES, GUIDANCE CAN BE PROVIDED ON LIMITED OFFICIAL USE

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PROCEDURES TO BE FOLLOWED. WHEN ACTIVITIES DO REQUIRE PERMITS, THEY ARE OBTAINED IN THE NORMAL WAY FOR FISHING VESSELS.

4. FOR BRUSSELS USEC AND EC EMBASSIES. IN ADDITION TO INFORMING EC, U.S. WISHES INFORM DIRECTLY THOSE EC MEMBERS WHICH EITHER BELONG TO ICNAF OR FISH OFF U.S. COAST. ACCORDINGLY, EMBASSIES BRUSSELS, LUXEMBOURG, AND THE HAGUE NEED NOT INFORM HOSTS.

5. FOR LISBON. IN VIEW OF GOP INTEREST IN GIFA, YOU MAY WISH INFORM HOSTS.

6. FOR MEXICO. IN VIEW OF GOM CLAIM TO CONTROL ALL

SCIENTIFIC RESEARCH AND LARGE AMOUNT OF U.S. FISHERIES RESEARCH OFF MEXICAN COAST, PLEASE REFER ANY SPECIFIC QUERIES TO DEPT. FOR GUIDANCE.

7. FOR MOSCOW. FOREGOING SHOULD BE SUFFICIENT TO ANSWER QUESTION AT END PARA 2 REF C.

8. FOR OTTAWA. FOREGOING CONSTITUTE GUIDELINES MENTIONED PARA 2 REF D. EMBASSY MAY INDICATE THEY REPRESENT NORM, AND MORE SPECIFIC COOPERATIVE PROCEDURES BETWEEN TWO COUNTRIES REGARDING FISHERIES RESEARCH COULD BE CONSIDERED.

9. FOR OTHER GIFA POSTS. PLEASE CONVEY FOREGOING TO HOSTS.

10. OTHER POSTS MAY DRAW ON FOREGOING IF ASKED.
VANCE

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CONSERVATION, TERRITORIAL WATERS, MANAGEMENT, SCIENTIFIC COOPERATION, OCEANOGRAPHIC RESEARCH, TWO HUNDRED MILE LIMIT
Control Number: n/a
Copy: SINGLE
Sent Date: 25-Feb-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE042826
Document Source: CORE
Document Unique ID: 00
Drafter: WLSULLIVAN:MJB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770067-0709
Format: TEL
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Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t1977027/aaaaagke.tel
Line Count: 172
Litigation Code IDs:
Litigation Codes:
Litigation History:
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Message ID: eaf10fcb-c288-dd11-92da-001cc4696bcc
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Subject: SCIENTIFIC RESEARCH IN THE FISHERY CONSERVATION ZONE
TAGS: OCLR, TPHY, EFIS, PLOS, US
To: BERLIN BONN MULTIPLE
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